



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Spero Payton

Examiner: Meredith C. Petravick

Serial No.: 10/753,886

Group Art Unit: 3671

Filed: January 7, 2004

Docket: P298.101.101

**Due Date: February 25, 2006**

Title: MANUAL SNOWPLOW WITH A WOODEN BLADE

Mail Stop Amendment

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Sir/Madam:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet containing Certificate of Mailing (1 pg.).
- ☒ Response to Non-Compliant Amendment under 37 C.F.R. 1.121 (7 pgs.).
- ☒ Return Postcard.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. At any time during the pendency of this application, please charge any additional fees or credit overpayment to Deposit Account No. 500471.

**Customer No. 025281**

By: 

Name: Timothy A. Czaja

Reg. No.: 39/649

### CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27<sup>th</sup> day of February, 2006.

By: 

Name: Timothy A. Czaja

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Spero Payton

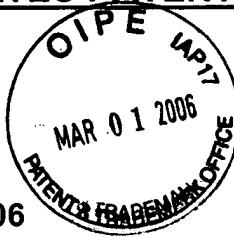
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Examiner: Meredith C. Petravick

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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**  
**UNDER 37 C.F.R. 1.121**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Communication is in response to the "Notice of Non-Compliant Amendment" (see enclosed copy) mailed on January 25, 2006 in which the Examiner asserts that the Response to Restriction Requirement previously filed on June 27, 2005 does not fully comply with the requirements of the revised amendment practice guidelines. The claim status identifiers were deemed non-compliant because the non-elected claims should have been identified as "withdrawn" rather than "original".

In response, Applicant notes that the election set forth in the June 27, 2005 Response was made with traverse, and is of the opinion that until the Restriction Requirement was made final, no claims were deemed "withdrawn". Thus, it is respectfully stated that the identifiers employed with the June 27, 2005 filing were correct as of the date filed. However, in an effort to expedite prosecution, with this communication, the identifiers for claims 1, 19, and 20 have been changed as requested by the Examiner. It is unclear from the Notice dated January 25, 2006 as to whether the June 27, 2005 amendments have been officially entered (although the USPTO communication of September 21, 2005 at least infers that the amendments were entered). For sake of completeness, then, the previously submitted claim amendments are re-presented with this Response.

Applicant assumes the claim set is now compliant and is now in proper order and in condition for examination. A fee is not required with this Communication, however at any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 500471.

**Response to Notice of Non-Compliant Amendment under 37 C.F.R. 1.121**

Applicant: Spero Payton

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Any inquiry regarding this Communication should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

**Dicke, Billig & Czaja, PLLC**  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402

Respectfully submitted,

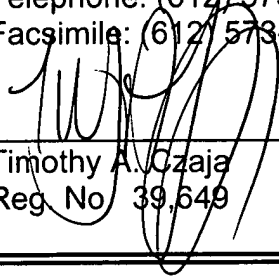
Spero Payton,

By his attorneys,

DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2004  
Facsimile: (612) 573-2005

Dated: FEBRUARY 27, 2006

TAC:jmc

  
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Timothy A. Czaja  
Reg. No. 39,649

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27th day of February, 2006.

By:   
Name: Timothy A. Czaja